

BOARD OF MAYOR AND ALDERMEN

January 25, 2005

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O’Neil,
Lopez, Shea, DeVries, Garrity, Smith and Forest

Absent: Alderman Thibault

Mayor Baines stated before I begin the meeting I would like to extend special congratulations to Frank Thomas and his crew at the Highway Department for another extraordinary job with snow removal and also Kevin Dillon and all of the personnel at the Airport, again demonstrating that Manchester Airport always remains open, our streets are open and I’m listening to all kinds of reports around the Massachusetts area and closed schools and difficulties and we’re very proud of the public servants in our City. I want to congratulate both of these department heads and their crews for an outstanding job. Also, Mayor Tom Menino, the Mayor of Boston will be in Manchester tomorrow speaking at a breakfast for the Greater Manchester Chamber of Commerce at my invitation to talk about the importance of the college community to economic prosperity in the City and we’ll be there to welcome him to Manchester tomorrow.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept Minutes

- A.** Minutes of meetings of the Board of Mayor and Aldermen held on October 19, 2004 (two meetings); October 26, 2004 (one meeting); November 3, 2004 (one meeting); November 16, 2004 (two meetings); November 22, 2004 (one meeting); November 30, 2004 (one meeting); December 7, 2004 (two meetings); and December 13, 2004 (one meeting).

Pole Petitions

- B.** PSNH Pole Petition #11-1042 (2 poles) located on Mammoth Road; and PSNH Pole Petition #11-1049 (1 pole) located on Newstead Way.

Informational – to be Received and Filed

- C. Communication from the City Clerk advising of the recent appointment of Deputy City Clerk Johnson to the Board of Directors of the New England Municipal Clerks Institute and Academy.
- D. Minutes of the MTA Commission meeting held on November 30, 2004 and the Financial and Ridership Reports for the month of November 2004.
- E. Communication from Comcast submitting a payment in the amount of \$50,000 as called for in Amendment #1 of the franchise agreement.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- F. Resolutions:

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ninety Six Thousand Seven Hundred Thirty Eight Dollars and Nine Cents (\$96,738.09) for FY2005 CIP 611305 MNHS Downpayment & Closing Cost Assistance.”

“Authorizing the Finance Officer to effect a transfer of Seven Thousand Three Hundred Thirteen Dollars (\$7,313.00) from Contingency to City Clerk Special Projects.”

REPORTS OF COMMITTEES

**COMMITTEE ON ACCOUNTS, ENROLLMENT
AND REVENUE ADMINISTRATION**

- G. Advising that they have approved an Ordinance:
“Amending Chapter 52: Sewers of the Code of Ordinances of the City of Manchester by amending Section 52.160 (A)(2), Sewer Rental Charges and Section 52.161 Septage Service Charge by increasing the user charges and septage service charges in the City of Manchester.”
and recommending that same be referred to the Committee on Bills on Second Reading for technical review.
- H. Recommending that the 2nd quarter FY2005 write-off list for the accounts receivable module be approved with the Fire Department invoices removed.
- I. Advising that it has accepted a request from the City’s Internal Auditor to audit the top five departments based on a risk assessment (Tax Collector, Finance Department-Treasury, City Clerk’s Office, Traffic, and Police) beginning with the Tax Collector’s Office.
- K. Advising that it has accepted the City’s Monthly Financial Statements for the six months ended December 31, 2004 for FY2005 submitted by the Finance Department, and is forwarding same to the Board for informational purposes.
- L. Advising that it has accepted the following Finance Department reports:
 - a) department legend;
 - b) open invoice report over 90 days by fund;
 - c) open invoice report all invoices for interdepartmental billing only;

- d) open invoice report all invoices due from the School Dept. only;
 - d) listing of invoices submitted to City Solicitor for legal determination; and
 - e) account receivable summary.
- and is forwarding same to the Board for informational purposes.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- M.** Recommending that the proposal from Catholic Medical Center to provide community and medical service at the new William B. Cashin Senior Activity Center be approved contingent upon the recommendations from the Solicitor's Office, attached herein, being adopted. The Committee further recommends that the City Solicitor be authorized to proceed with drafting and execution of documents necessary to implement such recommendations as referenced above.
- N.** Advising that it has approved the revised Procurement Code, attached herein, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON COMMUNITY IMPROVEMENT

- P.** Recommending that \$7,313.00 be transferred from Contingency to the City Clerk's Office to cover the balance of costs required for purchase of a Canon Filmer/Scanner Model DR5060F. The Committee notes that for such purpose a resolution to transfer the funds has been submitted.
- Q.** Advising that in regards to a request from Burd Engineering Associates on behalf of Violet Gelinas to accept Gobel Street, the Highway Department has been instructed to contact Ms. Gelinas and outline the process for street dedication, which is the preferred method of acceptance for the City.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- R.** Recommending that the Human Resources Director proceed with a Request for Information (RFI), as enclosed herein, regarding review of the existing compensation system and report back to the Committee regarding same.
- S.** Recommending that the Tuition Reimbursement Policy, attached herein, be approved.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- V.** Advising that a request from Valerie Anne Dixon for the use of Arms Park for the Annual MS Walk on Saturday, April 16, 2005, has been granted and approved under the direct supervision of the City Clerk, Fire, Highway, Police, Traffic and Risk Departments.
- X.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.
- Y.** Advising that it has approved a Downtown Parking Study with review to be completed by a City Staff Garage Committee (City Solicitor, Finance Officer, Planning Director, Traffic Director and Destination Manchester Coordinator) with recommendations to be made back to the Committee at a later date.

**SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES
AND BASEBALL**

- Z.** Advising that they have consented to a temporary access easement agreement given by Tyson Prepared Foods, Inc. to Manchester Parkside Place, LLC to allow construction vehicles working on the Riverfront Development access across the former Jac Pac property.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN GARRITY, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVD.

Report of the Committee on Accounts, Enrollment and Revenue

Administration:

- J.** Advising that it has accepted a summary of City loans and notes currently outstanding submitted by the Finance Department.

Alderman Gatsas stated I noticed that the Finance Department did a great job in securing the data that we're looking for...is there a chance or a possibility that they could give us a little bit more detail because I'm looking at it and I think I understand it but I'm not really sure. What I'd like to do is take it off and I'm looking at Wall Street Towers...the last page of your report. It says 1985 Wall Street Towers Promissory Note \$3.5 million...note secured by a third mortgage due November 1, 2015 with an interest rate of 9.25% per annum. Now, I guess I'm not seeing any payments on the interest, so I assume that it's accruing or it's not being paid or it's going to be paid at the end because it certainly sounds like nine percent on \$3 million on 30 years looks like it's another \$9 million...simple interest.

Mayor Baines called upon Randy Sherman.

Mr. Randy Sherman, Deputy Finance Officer, stated as I mentioned to the Committee on Accounts this is obviously just our first cut at this report and we will be working to improve it and pick up current payments and try to let the Committee know what's really delinquent. The Wall Street Tower notes are both being carried on the MDC financial statements and they have actually reserved 100% against those. It has been quite a while since they've received any payments and I believe it was really at the advice of their auditor, at one point, that didn't make much sense to the accruing interest if you were then just going to turn around and set up a bad debt reserve against it. But, you're right, I believe the interest that would have been accrued at this point is close to nine or ten million dollars, but it was, I believe, all based on excess cash flow over at Wall Street which I don't believe anybody has seen over there yet. But, yes, we're clearly going to go back...next time you see this report we'll have even more information on it.

Alderman Gatsas stated when you put Wall Street Tower here...I guess there's two projects down at Wall Street Tower. One of them being down on Canal Street and the other one being up on Elm Street. Which one of these two properties does that reflect?

Mr. Sherman replied the Wall Street Tower...both of those there are the ones on Canal Street.

Alderman Gatsas stated so that is where the City is paying \$144 a month in the parking garage.

Mr. Sherman replied no that is where the City is paying \$75 a month for the parking garage.

Alderman Gatsas asked did that change?

Mr. Sherman replied no. We lease 400 spaces at \$75 a month and then we turn around and we relet out some of the spaces.

Alderman Gatsas stated my understanding was that the last time we had this discussion it was \$144 a month that we were paying for those spaces.

Mr. Sherman stated I believe that's the number you had thrown out at that point, Alderman, but it's 400 spaces at \$75.

Alderman Gatsas stated I would love to throw out numbers but obviously I don't keep a history of parking spaces in my pocket. So, it came either from the Parking Department...is Tom here, can you...?

Mayor Baines asked can you add anything to this discussion, Mr. Lolicata, yes or no?

Mr. Thomas Lolicata, Director of Traffic, stated I believe Randy is right in the way he's saying it because we are subletting the other spaces that we have down there. We are paying a fee during the year for these spaces but by subleasing them I believe it comes out to Randy's figure...that is where the controversy is coming in.

Alderman Gatsas asked what is our payment, I didn't ask what our revenue was, I said what is our payment on the spaces? What are we paying on those spaces?

Mr. Lolicata replied this is where Randy is going to have to help me. What are we paying a month down there, Randy, because it needs be divided by 400?

Mr. Sherman replied \$30,000 a month for 400 spaces...we then turn around and lease out 280 of those.

Mayor Baines stated let's move on, a motion would be to...

Alderman Gatsas stated I would like to take it off so that we can get...

Mayor Baines interjected it's going to go back at the next meeting of Accounts anyway...they'll have additional reports at the next meeting.

Alderman Lopez stated a lot of these questions are good questions and I'm sure that the Account's Chairman...if we can get the questions there, so that we can have a strictly itemized thing on this I think would be helpful.

Alderman Smith moved to accept, receive and adopt the report of the Committee on Accounts, Enrollment and Revenue Administration. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Community Improvement:

- O. Recommending that the Board authorize transfer and expenditure of funds in the amount of \$96,738.09 for FY2005 CIP 611305 Manchester Neighborhood Housing Service Downpayment & Closing Cost Assistance, and for such purpose a resolution and budget authorization has been submitted.

Alderman Gatsas stated I guess my question is, can somebody just give me an explanation of what that's for?

Mr. Robert MacKenzie, Director of Planning, replied this is to match monies that we got from HUD called ADDI (American Dream Downpayment Initiative) and these monies would be coming out of the City's Affordable Housing Trust Fund to be used for affordable housing.

Alderman Gatsas asked is it identifying specific properties?

Mr. MacKenzie replied no. This would be open on a first-come, first-serve basis. This money plus the ADDI money would be available to anybody in the City who can meet the HUD income guidelines and would go to NHS and apply for the funds. So, it's a first-come, first-serve basis.

Alderman Gatsas stated I guess my question is it looks like an unusual amount with \$96,738.09, is there a reason why it's...?

Mr. MacKenzie replied NHS asked that they match the HUD monies so that they could run an effective program, so this is an exact match as I understand it to the HUD ADDI.

Alderman O'Neil moved to accept, receive and adopt a report of the Committee on Community Improvement. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Joint Report of the Committee on Human Resources/Insurance and Committee on Administration/Information Systems:

- T. Recommending that under Section 3.01 of the City Charter the Board adopt an Economic Division Development Group within the Planning Department to include the Manchester Economic Development Office and Destination Manchester Coordinator, which shall be part of that Division within Planning and further that all necessary paperwork be completed and become effective by February 10, 2005.

Alderman DeVries stated Item T, in my opinion, is not reflective of the opinion of this entire Board, but certainly it was reflective of that joint committee to forward it on. This is asking that we consolidate our Economic Development Division into the Planning Department for the City of Manchester. I would make a motion, at this time, because I do not believe that is reflective of the will of this Board to receive and file that. Alderman Roy duly seconded the motion to receive and file.

Roll call vote was taken. Aldermen Gatsas, Osborne, Porter, Lopez, Shea, Garrity and Smith voted nay. Aldermen Guinta, Sysyn, O'Neil, Shea, Forest and Roy voted yea. Alderman Thibault was absent. The motion to receive and file failed.

Mayor Baines stated I would accept a motion for this report. Does anyone want to put it on the floor for a vote?

Alderman Lopez moved to accept the report of the joint Committees. Alderman Shea duly seconded the motion. A roll call vote was taken. Aldermen O'Neil, DeVries, Forest, Roy, Guinta and Sysyn voted nay. Aldermen Lopez, Shea, Garrity, Smith, Gatsas, Osborne and Porter voted yea. Alderman Thibault was absent. Mayor Baines vetoed the action.

Report of the Committee on Lands and Buildings:

- U. Recommending that the City authorize the Manchester Housing and Redevelopment Authority (MHRA) to act as a redeveloper for the Northwest Business Park at Hackett Hill under the existing cooperation agreement with such agency; that oversight responsibility for this project be designated to the Committee on Lands and Buildings rather than the Special Civic Center Committee; that the Development Plan for the Northwest Business Park be approved; and that the Mayor be authorized to execute any and all related documents to carry out such recommendations subject to the review and approval of the City Solicitor.

For such purposes attached herein and incorporated by reference are the following:

- Cooperation Agreement – City/MHRA
(dated November 6, 2002 and executed November 18, 2002)
- First Amendment to Cooperation Agreement
(to execute - allowing for committee designation by BMA)

- Project Number 4
Under Cooperation Agreement Dated November 6, 2002
includes “Exhibit A” Scope of Services
(to execute - establishing administration of Northwest Business Park Development project)
- Northwest Business Park Development Plan
(for approval – as revised December 14, 2004; with Exhibit A noted “to be developed”)

Alderman DeVries stated after a discussion with the Planning Department I believe that he might have some comment to add on Item U, so I would refer to Bob MacKenzie the Planning Director.

Mr. MacKenzie stated at a previous meeting the full Board when they were discussing the Hackett Hill Master Plan there was concern expressed about potentially providing additional protection like an environmental buffer to the natural preserve. I did put together, after that meeting and after a brief discussion with Alderman DeVries, a recommendation. Basically, the recommendation is that any development of buildings, structures or driveways or parking within 50 feet of the natural area go to the Conservation Commission for review. It would probably be my recommendation that this be referred to the Committee on Lands and Buildings, it was brought up at the full Board but it is a matter that I think that Lands and Buildings could appropriate deal with.

Alderman DeVries moved to refer the communication relative to the natural preserve to the Committee on Lands and Buildings. Alderman Shea, duly seconded the motion. There being none opposed, the motion carried.

Mayor Baines called for a vote on Item U itself.

Alderman O’Neil moved to accept, receive and adopt the report of the Committee on Lands and Buildings. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Traffic/Public Safety:

- W. Recommending that the Board approve a five-year agreement between the City of Manchester and Cameron Real Estate, Inc. for leasing parking spaces in the Victory Parking Garage.

Alderman Lopez asked could Mr. Lolicata approach the presenter’s table, please. I have a couple of questions on this...back in...they had a 20-year lease back in 1985, they had 40 spaces and back in 1990 we added another 30 spaces, so they have a total of 70 spaces, is that correct?

Mr. Lolicata replied that is correct.

Alderman Lopez stated so in the new agreement we're talking about...if they had 70 spaces then and this is from a discussion we had, are we saying...I've been told that they have 41 spaces now and that we're going to go to 70, is that correct?

Mr. Lolicata replied what it means is that when the renewal came up what they are actually using out of those 70 has been around 41 spaces lately. So, what this does is gives them up to 70 spaces.

Alderman Lopez stated so they never fulfilled the 70 spaces back in 1990.

Mr. Lolicata stated evidently when this first started and it's been twice...it went up to 30...they were filling it at the time...since this ran out we want to have just those 41 spaces but giving them dibs of up to 70 spaces. If they are not available they're going to wait.

Alderman Lopez stated that's the next question. What do we mean by "available"...how many spaces out of the 846 do we have for the public?

Mr. Lolicata replied right now there's very few for the public. We keep hours open for the public...

Alderman Lopez asked what is a very few?

Mr. Lolicata replied I'm going to say in the vicinity of 50 to 60 probably because we're up to six or seven hundred of them with permits. It's quite full...85% to 90%.

Alderman Lopez stated so there's a high demand.

Mr. Lolicata replied yes but I always keep some open for the public for daily use.

Alderman Lopez asked why would we and maybe the Board would like to address...why would we give exclusive rights to one real estate broker over other brokers in the City?

Mr. Lolicata stated if you want to call it exclusive rights...when we changed...like I said before they had exclusive rights to 70, now they have rights of first dibs if they are available, that was the difference because like I said only 41 of those 70 were paying which is why we changed it.

Alderman Lopez stated I'm concerned that there are other developer's in the City, brokers that would need parking spaces for their tenants also. Are we shooting ourselves in the foot by giving exclusive rights, I call it exclusive rights because it's 10-years...you've got 70 spaces and we only have 50 or 60 spaces for the public. So, I'm a little concerned with that

plus the fact that the garage down on Canal Street with whatever develops there...we have 100+ employees that might have to get out of that parking garage. I think if we're going to give exclusive rights there ought to be some monetary value for giving exclusive rights to one broker over other brokers.

Mr. Lolicata stated not really. What they're doing is paying the \$70 like everybody else. But, say the garage is sold or goes under different auspices then the agreement under ninety (90) days or sixty (60) days will be broken. In other words, it will be for naught. So, that's not going to be a five-year or ten-year guarantee depending on whether something happens to the garage.

Alderman Lopez stated according to this it is a guarantee unless we sell the garage or unless we want all of those spaces back.

Mr. Lolicata stated as long as we have the spaces available we'll give them first dibs.

Alderman Lopez stated I know.

Mr. Lolicata stated but if it's not available they're not going to have it.

Alderman Lopez stated there such a thing as "supply and demand" and we're in supply and demand for parking spaces right now. So, again, I go back to the Board and I say we've given exclusive rights to one individual for the next 10 years to have 70 spaces in there whereby we have no control over it after that. And, plus the fact that if we're going to do this it's going to give us exclusive rights which we have learned in other projects that I think there ought to be a monetary value to it.

Mr. Lolicata stated the permits are on a monthly basis for each one. If they do not pay for it, they will lose that one.

Alderman Lopez stated I understand that, Tom, I'm just looking at in addition to the cost that we're guaranteeing that person 70 spaces I think that's less from dollars in today's market.

Alderman Shea stated I would just like to pick up from Alderman Lopez. I think it would probably be a valid reason to refer this back to the Traffic Committee and ask them put some sort of a premium. We had discussed this on their ability to be entitled to those spots. I think that that would make it fair so that if they're going to have the exclusive or whatever we call it right for a permitting place...that people are waiting for a permit now and they'd be not entitled to that space because this would have precedence then there should be a premium, they should pay a certain amount of premium for their being guaranteed a spot in case one opens, so I would recommend that we refer this back to the Traffic Committee so they could consider that thought.

Mayor Baines stated there are a couple of people who asked to speak and they're on my list, so we'll go forward.

Alderman DeVries stated absolutely. We did have some discussion on this because it is confusing if you were not participating in that Traffic Committee to try to follow what the lease agreements were telling us. It does appear...I understand that if they have need for a space they have to pay the monthly parking fee in order to secure the permit. But, while today they are utilizing 41 permits and they pay the monthly fee what they are asking for is, in the future, as they grow and require more they don't have to go to the back of the waiting list for an open space they go directly to the front of the list for new openings.

Mr. Lolicata interjected only if they become available; that is the key right here. I understand that.

Alderman DeVries stated exactly. I think the concern of some of the members and the reason that we thought it should be deferred right back to Traffic for further discussion is that that might prohibit other business growth in the downtown area. I don't think this Board is trying to prohibit the growth of any jobs through any of the businesses downtown. I do agree that it sounds, from what I understand of this arrangement today, it sounds that maybe if we are going to give exclusive rights for the first available spaces to one company that it might need a premium. I don't know that we have decided that but we would like it investigated. The thought was that maybe MDC and Planning might be able to weigh into the Traffic Committee with some opinions as to whether they agree that this would prohibit other business growth in the downtown area and if they agree that there is a dollar amount to justify the savings of those spaces at a beginning of a waiting list. So, we wouldn't be saying that we are recommending it we're asking that it be investigated and be investigated by MDC and eventually Planning if they have an opinion.

Alderman Forest stated the leases in that garage, the individual leases...people sign a contract, the \$70 a month?

Mr. Lolicata replied correct.

Alderman Forest stated the only thing different that I see between an individual signing a contract for a monthly fee and a business person doing it is this business person wants to pay for at least 40 of his employees and that's why he's doing this.

Mr. Lolicata replied we have some like that, correct.

Alderman Forest stated you also have that in the Millyard, correct, with some businesses in the Millyard that have 175 spots.

Mr. Lolicata stated right. They either pay their boss or the boss himself will pay for everybody, correct.

Alderman Forest stated this person is only asking if the spaces are available he would like 30 more.

Mr. Lolicata stated he would like up to the 70. If there's nothing available, no.

Alderman Forest stated that is one of the reasons why I voted in favor of agreeing to sign this contract with this individual. I don't think it makes a difference whether it's just one individual renting a spot or if an individual goes in there and wants to rent 70. I think it's the same business deal for one or the other and that's why I voted for this.

Mr. Lolicata stated I think you're partially right. This was dealt upon commitment by the company that's been involved with the City for 20 years and I think in the future if you build garages down in the future whatever you're going to find people who are going to want to buy 100, maybe 200...those long-terms are in there. There are going to be people wanting that.

Alderman Forest stated that is the reason why I accepted to allow to have this contract signed and I'm encouraging the Board here to vote in favor of it.

Mr. Lolicata stated once again they will not take advantage of others. If there's nothing available they will just go with their own allotment that they have.

Alderman O'Neil asked, Tom, are there others like this in the City? Other agreements like this.

Mr. Lolicata replied offhand I don't think there is in the garages, no, not that I can think of. In lots we do.

Alderman O'Neil stated I know there's a couple of representatives from 889 and maybe they can just do it with a nod of the head. Is this time sensitive for your folks? If you're going to speak you probably ought to come up. This is just with regard to sending it back to Committee.

Mr. Charles Denault stated I'm with Cameron Real Estate. The only time sensitivity to it is the existing agreement that's been in place for the past 20 years expires today or last week on the 20th, so the time sensitivity is yours that if you're not going to let us have it...

Alderman O'Neil stated can I ask a question of our City Solicitor. Tom, do we have any issues here that we can somehow handle this in the interim if we're going to send it back to Committee?

City Solicitor Clark replied if it gets referred back to Committee Tom can continue to park there on a monthly basis until we get the long-term agreement.

Mayor Baines stated I understand we have a meeting next week.

Alderman O'Neil stated you don't have a particular lease that's waiting on this or anything like that?

Mr. Denault replied no. There's nothing that we're working on currently that would preclude us.

Alderman Roy stated to me this is just more of an issue of one building versus another and while I do respect the long-term commitment that we've had from the gentleman that just spoke how long is the waiting list for a permit in that garage right now?

Mr. Lolicata replied right now I don't think there is a waiting list for Victory.

Alderman Roy stated if we did approve this the next possible 30 applications could go to Cameron and then we'd be at the same place we were.

Mr. Lolicata replied that's correct.

Alderman Roy asked what is the average turnover for a permit in that garage per year? How many new and how many old?

Mr. Lolicata replied a lot of individuals. Some take it out for two months, one month, some for six months and it's always changing.

Alderman Roy stated so by having someone have a long-term agreement with you does make your job a little bit easier.

Mr. Lolicata stated especially being paid by one, yes...parking lots it's the same deal, right.

Alderman Sysyn asked, Tom, don't some of the people lease from you only during the wintertime and then come summer time they drop their parking spaces?

Mr. Lolicata replied a lot of them do that, yes.

Alderman Porter asked when was the request submitted, Tom, for the Cameron property...the lease is 20 years old when was it submitted for renewal to the Board?

Mr. Lolicata replied months ago. Before Jay left we spoke about it, about a couple of months ago it went into Traffic, so last Spring I believe.

Alderman Shea moved that the matter pertaining to a five-year agreement for leasing of parking spaces in the Victory Garage be referred back to the Committee on Traffic/Public Safety. Alderman Lopez duly seconded the motion.

Roll call was taken. Aldermen Forest, Roy, Guinta, Sysyn, O'Neil and Smith voted nay. Aldermen Gatsas, Osborne, Porter, Lopez, Shea, DeVries, Garrity voted yea. Alderman Thibault was absent. The motion carried.

Mayor Baines stated a reminder that we do have a meeting next Tuesday, if the Committee could meet and get it back to us quickly it would be appreciated.

4. Communication from Mary Anne Totten, MD, submitting her resignation as a member of the Elderly Services Commission, effective January 1, 2005.

On motion of Alderman Forest, duly seconded by Alderman Garrity, it was voted to accept Mary Anne Totten's resignation with regrets.

5. Mayor Baines presented the following appointment:

Manchester Housing and Redevelopment Authority:
Fernand "Fern" Gelinas to succeed Fred Kfoury, Jr., term to expire
December 31, 2009.

Mayor Baines stated I'm nominating former Alderman and Police Commission Chairman Fern Gelinas to succeed Fred Kfoury, Jr. to the Manchester Housing and Redevelopment Authority, term to expire December 31, 2009. I do that out of the sense of deep respect and admiration for Fern Gelinas, his service to our community and I believe this position is the right one at the right time because of your knowledge of the functions of the Board of Mayor and Aldermen and the Manchester Housing and Redevelopment Authority as we're getting involved in some strong partnerships for development in the City and I feel that you are the key person to help us through this exciting time for the City. So, this is an announcement and I'd also like to thank Fred for his years of service on the Housing Authority. It was an honor for me to have an opportunity to appoint him during my term as Mayor and this is simply for information for the Board, but I want to congratulate Fern Gelinas to this post.

Alderman Porter asked, Commissioner Gelinas, have you ever worked with any of the other Commissioners on that Board?

Mayor Baines stated he will be a great member of that Commission.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

8. A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ninety Six Thousand Seven Hundred Thirty Eight Dollars and Nine Cents (\$96,738.09) for FY2005 CIP 611305 MNHS Downpayment & Closing Cost Assistance.”

“Authorizing the Finance Officer to effect a transfer of Seven Thousand Three Hundred Thirteen Dollars (\$7,313.00) from Contingency to City Clerk Special Projects.”

ought to pass and be enrolled.

Alderman Smith moved to accept, receive and adopt a report of the Committee on Finance.

Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

9. Communication from Alderman Shea requesting the establishment of a Special Committee of five members to work with MHRA and staff regarding the development of the Hackett Hill area.

Mayor Baines advised that Item 9 has been withdrawn by Chairman Shea.

10. Communication from Alderman Gatsas inquiring as to why Aldermen were never apprised of legal fees totaling \$548,654.64 for the Riverfront Development Project.

Mayor Baines stated I would like to remind the Board that that matter remains in Committee and also the City Finance Officer is not here this evening, so that the Chair will advise that that belongs in Committee and they maintain jurisdiction over that issue.

Alderman Gatsas stated it's on the agenda, your Honor, how are you going to dispose of it?

Mayor Baines replied I just ruled that that is a matter that's under the jurisdiction of that Committee and they voted to keep that jurisdiction.

Alderman Gatsas stated so there's no discussion on it.

Mayor Baines stated the discussion will take place in Committee and the Finance Officer...

Alderman Gatsas interjected with all due respect I'm going to ask for indulgence of the Board because this is on the agenda, I think it's only fair that we talk about it because it's about \$228,000 worth of legal fees that this Board should have been apprised of.

Mayor Baines stated, Alderman Lopez, we're discussing a matter that's in your Committee, so I want to get your opinion on this before we continue, okay.

Alderman Gatsas stated thank you, your Honor. I think there are two different lines of discussion here, your Honor. One, obviously, is the legal fees that were encumbered by the transaction that pertained to the baseball team. Now, there are legal fees totaling somewhere around \$228,000 for the transfer of real estate property and I think we, as a Board, should understand why we're paying legal fees to an attorney at \$400 an hour when we have people in the Solicitor's Office to handle a transaction of \$1.5 million...that's why I'm...

Mayor Baines stated I appreciate that but the Committee has jurisdiction over this issue. They voted to maintain jurisdiction, they've asked it to be on the agenda for the next meeting and I'm ruling that that's where that belongs because that's where the jurisdiction of that issue is.

City Solicitor Clark stated the Mayor is the presiding officer of this Board and he determines what he's going to accept or not accept before the Board subject to appeal to the full Board.

Alderman Lopez stated I think that's absolutely correct. During the Committee meeting a discussion was held and I think the question was to forward a minority report to the Board and, of course, there was no minority report because the information was to provide us the information and then we'll make a determination. I don't believe that at this stage of the game that we're saying that \$228,000 is going to be strictly legal fees, we don't know, we don't know what the recommendations are...in some of the conversations we'll have the Finance Officer and Deputy Finance Officer as to whether or not some of these could be charged from the revenue that we receive from the land down there. I think it's important that people realize that the money that we did receive for the land down there and the money we received recently...a little over, Randy, correct me if I'm wrong...I think it's over \$2 million for the piece of land down there that we had. So, there is going to be legal fees.

There were legal fees for Gill Stadium, there's legal fees for the new stadium...so, we haven't ironed out anything in Committee to make a recommendation to the full Board and I would hope that it remain in Committee.

Mayor Baines asked didn't the Board vote to keep it in Committee under their jurisdiction.

Alderman Lopez stated that is correct.

Mayor Baines stated okay that's my ruling.

Alderman Gatsas stated I move to appeal to the full Board. A roll call vote was taken. Aldermen Gatsas, Guinta, Osborne, Porter, Shea and Garrity voted yea. Aldermen Sysyn, O'Neil, Lopez, DeVries, Smith, Forest and Roy voted nay. Alderman Thibault was absent. The motion failed.

Alderman Porter stated as a question. Were there any additional and I guess the thing is Alderman Lopez has often said if you don't ask the specific question, with the specific words, with the specific inflection you don't get an answer. Has there been any...would the legal fees had been different had we had one closing from the City to Catapano or Downtown Visions versus two closings one to Mr. Chinburg and one to Mr. Catapano?

City Solicitor Clark stated you're speculating at this point. Either way we would have had to go through negotiations with the parties either through subleases or through deeds.

Alderman Porter stated that was not my question. My question was were there any additional and I realize they need more time to look at that.

Mayor Baines asked what is more expensive to do two rather than one?

Alderman Porter stated and I would like to have that answered and I would like to make a comment, if I may. I think there are far too many decisions that are made at a committee level that can't get to this Board. Once they make a decision because when I'm asked by my constituents how come we're spending that money...oh, well I don't have any say...well, gee, why are we there. I think there are some issues where the committees have way too much authority and I think this is an example of one of them.

Mayor Baines stated I'm going to move off of this issue because we voted to keep it in committee.

Alderman Shea stated I'm not going to comment on it, I have another comment. The reason I voted yes is because you people know that I was not in favor of the funding for the Verizon. So, that was kept in committee and the legal costs were \$616,373...no one raised

the question because that was kept in committee at the Civic Center Committee meeting and that's why I voted so that we can get all the information we can and that's really why I wanted to appoint a committee in order to investigate not so much how the money is spent by why it's spent and who's on first so to speak because we don't always get that but I just wanted to make that comment.

Mayor Baines stated the Chair is moving onto item 11.

Alderman Shea stated there's a difference of \$2,281 between what the cost are for the baseball and Verizon.

Mayor Baines stated I would encourage every Board member to attend the next committee and get all of the information they want...we are moving forward with the agenda.

Alderman Guinta stated I just have a procedural question. If this item is brought up under new business would it then be appropriate for...

Mayor Baines replied no. The Board has taken action that it stays in committee. I think everybody who's interested should attend the committee meeting. I think there should be a thorough discussion of it, I support it one hundred percent, but the committee has jurisdiction.

Alderman Smith stated I would like to say something. I'm on the Baseball Committee, Riverfront...it was set up by the Board of Mayor and Aldermen. All you people voted to give this Committee exclusive rights and that's what I'm saying and that's what we're doing. Keep it in committee.

- 11.** Notice for reconsideration given by Alderman Gatsas on motion to accept a report of the Committee on Human Resources/Insurance authorizing the Human Resources Director to contract with Boston Mutual Insurance Company for the term life and accidental death and dismemberment insurance and with CIGNA for the long term disability insurance such contracts to be effected February 1, 2005.
(Motion having carried with Aldermen Roy, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest voting yea, and Aldermen Gatsas and Guinta voting nay.)
Note: Should Alderman Gatsas or any member having voted in the affirmative so desire, a motion may be in order to reconsider.

Deputy City Clerk Johnson stated procedurally if you wanted to make a motion he could. It's my understanding, however, that the contracts were signed. You can check with the Human Resources Director.

Alderman Gatsas moved for reconsideration. Alderman Porter duly seconded the motion. A roll call vote was taken. Aldermen Porter, Garrity, Gatsas and Guinta voted yea. Alderman O'Neil, Lopez, Shea, DeVries, Smith, Forest, Roy, Sysyn and Osborne voted nay. Alderman Thibault was absent. The motion failed.

12. Communication from the City Clerk requesting to change the March 1st meeting date of the Board, and suggesting that the March meetings be held on March 15 and March 29, 2005 to accommodate various scheduling and vacation plans.

Alderman Porter moved to approve the request. Alderman O'Neil duly seconded the motion.

Alderman Shea stated I wonder, your Honor, would March 8th be a better date than the 15th we're going to go quite a while there.

Mayor Baines stated I think we're trying to avoid school vacation week.

Alderman Shea stated it's kind of a long time between meetings. We're going to meet next week and then the...

Deputy City Clerk Johnson stated what you would be doing is the 15th if a regularly scheduled meeting so you're moving the 1st to the 29th. If you want to do it the 8th and the 29th that's fine.

Mayor Baines stated why don't we just amend it to the 8th and the 29th and ask for a vote.

Alderman O'Neil stated I know the City Clerk himself did some work on this trying to work around some Aldermen that might be taking off for vacations.

City Clerk Bernier stated the purpose of this is that in previous years we usually meet three times during the month of March. The Mayor makes his budget presentation and with the school vacation with some Aldermen on vacation we would do it on the 15th and the 29th, but again it's always up to this Board.

Mayor Baines asked would the 8th be a problem. I guess that was Alderman Shea's question.

City Clerk Bernier replied it wouldn't be a problem.

Mayor Baines asked do any other Aldermen have a problem with that.

Alderman Garrity do you want to keep it the 15th?

Mayor Baines stated I think we should try to accommodate if that's what people want. Want to leave it the 15th? Okay, we'll leave it the 15th and the 29th.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

- 13.** Communication from the Water Works Director requesting the Board's approval to enter into a Watershed Patrol Indemnification Agreement between Hillsborough County and the City of Manchester, Manchester Water Works.

Alderman Roy moved to approve the request and authorize execution of such agreement, subject to the review and approval of the City Solicitor. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

- 14.** Communication from the Water Works Director requesting the Board's authorization and concurrence with the Water Works Commission to sell 87+/- acres of non-watershed surplus property located in the Town of Auburn.

Alderman O'Neil moved to approve the request, reaffirming former action to find the property surplus to City needs, authorizing the Mayor to dispose of such 87+/- acres of land through public sale, subject to the review and approval of the City Solicitor. Alderman Porter duly seconded the motion.

Alderman DeVries stated actually I would like to hear from Tom Bowen the Water Works Director. My question would be is this property...what are the parameters for surplus property within Water Works.

Mr. Thomas Bowen, Manchester Water Works Director, replied it's not located within the watershed itself. It's off watershed land. It's not within the drainage basin of Lake Massabesic.

Alderman DeVries stated I tried to pick out that particular parcel on the small map included with our handout and I really couldn't...did you bring anything with you tonight that would help us.

Mr. Bowen replied no I didn't but it's located on Route 121 beyond the Auburn Village...

Alderman DeVries stated it looked to me like it was going to leave another Water Works property surrounding this particular parcel.

Mr. Bowen replied no this is kind of a stranded piece. It's located within 200 or 300 feet of the Chester Town Line and we own property behind the parcel, which is actually on the watershed.

Alderman DeVries asked will this be a competitive bid process?

Mr. Bowen replied yes it will.

Alderman DeVries stated so this will be duly advertised and is that following City...

Mr. Bowen replied yes in accordance with the Procurement Code. We've been working with the City Solicitor's Office.

Alderman DeVries stated one final question if I might. The last time the presentation was made to any committee of the Board as to why you wished to sell this...it's been several years. I think it was several Boards ago actually. So, why would this not have gone back to our Committee on Lands and Buildings to give some sort of a update as to why you wanted to follow this process before coming to this Board?

Mr. Bowen replied I can't answer that question. It was submitted to the Clerk's Office, it's possible that the fact that a prior Board had already given approval to do this sale...actually, the only reason that it really is coming back to the Board is that during the review process by the Solicitor's Office in preparation of the documents it was determined that there were actually two parts of the same deed that were included in this parcel. The original approval was for the sale of 60 acres and that's what we thought the parcel was and, in fact, it is an 87-acre piece. So, really we're asking for the same authorization it's just that the actual acreage of the parcel is now known to be 87 acres.

Alderman DeVries stated I guess my concern would be...because this is about a six year old decision to find this property surplus and to dispose of it. It just was not a competitive price the last time that determination was made and the Water Works Commission decided to turn that down. How many other parcels do you have out there that have previously been considered surplus that you just haven't decided to sell off.

Mr. Bowen replied no this is the only piece, Alderman.

Alderman DeVries stated I'm sure you can understand why the public would find that to be controversial that Water Works disposes of any land...whether it sits in Manchester, Auburn or other towns we consider that to be a gem and really don't like to consider it being parceled out.

Mr. Bowen stated the reason that we own land is for the protection of the watershed and this is not land within the watershed, so that's the reason that it's been declared surplus by the Board.

Alderman DeVries stated I would just ask that you do remember that you're dealing with new Boards...I'm in my second term, I know this had not come before me before and it really should follow a committee process. Thank you.

Alderman Roy stated, Tom, a question for you. I know you're looking for authorization to proceed with the disposition but some questions related to after it's sold...where does the money go from the proceeds of sale?

Mr. Bowen replied it stays with the Water Works.

Alderman Roy asked is that in a reserve account or what fund does that go into?

Mr. Bowen replied well because of the requirements of the revenue bond there are certain avenues that that money has to follow down through and it ends up being in our General Account. It's going to be our staff recommendation that the money be set aside once it's trickled down and, Randy, if I'm using the right terminology here...trickle down I guess is the right one. Once it's trickled down and it takes through the end of the year that we're going to set that money aside for purchase of watershed land in the future. It's hard to come up with a large amount of cash like that all at one time, so that is kind of our plan.

Alderman Roy stated now the purchase of this property...how did the Water Works obtain this piece of land?

Mr. Bowen replied it was purchased from an estate in 1962. Obviously, that was before my time, just barely. My understanding is that it was a part of a three or four parcel deal and in order for us to get two or three pieces that we wanted we ended up having to buy the entire estate.

Alderman Roy stated the cash or capital to do that came out of what funds?

Mr. Bowen replied those were all Water Works funds.

Mayor Baines called for a vote on the motion. The motion carried with Alderman DeVries duly recorded in opposition.

- 15.** Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Alderman Shea moved to commit the warrant in the amount of \$78,284.37 to the Tax Collector under the Hand and Seal of the Board of Mayor and Aldermen. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

16. Resolutions:

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ninety Six Thousand Seven Hundred Thirty Eight Dollars and Nine Cents (\$96,738.09) for FY2005 CIP 611305 MNHS Downpayment & Closing Cost Assistance.”

“Authorizing the Finance Officer to effect a transfer of Seven Thousand Three Hundred Thirteen Dollars (\$7,313.00) from Contingency to City Clerk Special Projects.”

On motion of Alderman Forest, duly seconded by Alderman Sysyn, it was voted that the Resolutions be read by titles only, and it was so done.

Alderman Osborne moved that the Resolutions pass and be enrolled. Alderman O’Neil duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEM

- 17.** Report of the Committee on Lands and Buildings recommending that in accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated at Francis Street, known as Map 0861, Lot 0025-N by executing deeds relating all rights, title interest, or claims in said property. Said property formerly owned by Francisco F. Jardine was acquired by the City of Manchester by virtue of Tax Collector’s deed dated September 2, 1943 and recorded in Hillsborough County Registry of Deeds on September 9, 1943, Volume 1051, Page 0369.

The Committee recommends that said property be disposed of through public auction with a minimum bid to be set at \$14,000.

The Committee advises that it has found such property to be surplus to City needs; and that the Board of Assessors has provided an opinion of value in the range of \$20,000-\$40,000.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deeded accounts as deemed necessary.

On motion of Alderman Forest, duly seconded by Alderman Osborne, it was voted to remove item 17 from the table for discussion.

Alderman Forest stated this piece of property on Francis Street that’s been on the table for quite a while is in my ward. Apparently, we have a letter here from an attorney representing

Mr. Soucy who wants to purchase the City-owned property, which is Lot 25 on Francis Street. Mr. Soucy apparently went to the Zoning Board representing himself as an agent of the City and tried to get a Zoning Variance for that piece of property and apparently the Zoning Board stated that he didn't have the authority to represent the City so, therefore, they denied his motion. There's a letter here from Mr. Soucy's attorney who says he wants us to appoint him as an agent for the City, but we voted and it's been on the table and I guess we're waiting for some clarification, but we voted to declare this piece of property surplus and send it out to auction and we were waiting for the Zoning Board's answer. Now, the Zoning Board has denied his claim and would move to continue through the auction process.

Mayor Baines asked would that be appropriate, Mr. Solicitor?

City Solicitor Clark stated I'm sorry I didn't hear that.

Mayor Baines stated he's made a motion that this should continue through the auction process since the Zoning Board has ruled that...

Alderman Forest interjected they've ruled that he was not an agent of the City so, therefore, they denied his request at that time.

City Solicitor Clark stated correct. As I understand it from speaking with Mr. LaFreniere he was actually applying for a variance on an abutting parcel but the relief he was asking for would have also granted a variance over a City parcel and that was just not allowed, it's improper.

Mayor Baines stated you're motion would be what.

Deputy City Clerk Johnson replied the motion would be to accept the report as submitted.

City Solicitor Clark stated that's fine.

Alderman Roy duly seconded the motion to accept the report as submitted.

Alderman DeVries stated I just wanted to clarify and maybe Alderman Forest can do this for me. The decision to sell this at public auction did not have any kind of stipulations to abutters or anything this is purely open to any interested party.

Alderman Forest stated I had asked at the time if letters could be sent to the abutters but apparently that's not feasible, I'm not sure if I got an answer on that which is why it was voted to send it to auction for a minimum price of \$14,000.

Alderman DeVries stated I'm just wondering if City Clerk should verify past minutes because my recollection was there might have been some stipulations regarding the abutters and I just didn't know...

Deputy City Clerk Johnson stated the final vote was for a full public auction. There was discussion about that at one point in time.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Mayor Baines stated as a point of information, I was just informed by Mr. Colby that the March 29th date...the Chamber of Commerce, at our request, has not scheduled the Citizen of the Year Dinner on the night of a Board of Mayor and Aldermen meeting and Alderman O'Neil made it quite clear the last time we did it and they did just what we asked them to do and now we just scheduled a Board meeting, so we're going to look at that last date of March with the City Clerk and maybe come back with an alternative. They did what we asked and now we did what we said we wouldn't.

Alderman O'Neil asked have all of the Board members informed the Clerk if they may or may not be away the month of March, I know it's going to be high vacation especially for our retired members.

Mayor Baines stated if there are things going on please notify the Clerk by the next meeting.

18. NEW BUSINESS

Alderman O'Neil stated I don't know if the clerk has passed out this communication to the members but I'll make this quick...I'll read it because it's short..."safety services being dispatched to emergency situations via the enhanced 911 system that currently exists in the state. Recently, I was approached by a gentleman who informed me of a situation involving a medical emergency in Manchester and I personally experienced delays last year in a response to a serious accident on I-93. I'm asking the Board of Mayor and Aldermen to request that Fire Chief Joe Kane and Police Chief John Jaskolka look into procedures being followed and report back at a later date." It might be appropriate that they report back to the Committee on Traffic/Public Safety and I'll move on that motion.

Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Alderman Gatsas stated personal privilege, your Honor. I take with exception that I made a motion for reconsideration and was seconded and you never allowed a debate and called for a vote on it. I think that the taxpayers of this City are entitled to know what's happening and why there are situations that are happening. I asked for a letter from the Human Resources Director for three years on payments that were made on a death benefit because through my suggestion three years ago it was going to be looked at to be self-insured when Ms. Lamberton first started here. When we signed a contract here with I think then the Ferdinando Agency. The letter that you have with this Board that it has before them says that the claims...as I said to Mr. Scheer when I asked the questions in committee...why wouldn't we self-insure and obviously Mr. Scheer is not earning his fee because if he was earning his fee as a consultant to give us the correct advice we probably would have looked at these loss runs and said you should be self-insuring. Now, I understand that statements have been made that you need an actuary, you need a third-party administrator...with all due respect, your Honor, I see here \$104,000 that was paid from January 2, 2002 to December of 2002...no claims paid in the year 2003 and \$61,000 paid in 2004, your Honor, that means that there might have been three or four checks that would have to cut by the City. If memory serves me correct we were paying in excess of \$270,000 a year in premiums. So, your Honor, when I brought it up last time and I said it was foolish for anybody to not self-insure this program it fell on deaf ears and, your Honor, you gave the privilege of me making a motion for reconsideration because the contract...we had time to look at that and get the information before the contract would be signed in February; that is what you said, your Honor, when you stood there. So, I made the motion for reconsideration so we could get the information and with all due respect that there's no reason why the City shouldn't be advised by Mr. Scheer that we should be self-insured because this is \$600,000, if you look at these numbers, on the current contracts that would be available to the City because yes we would be collecting the funds from the employee because it's based on \$0.18 cents per \$1,000 of covered life...that's the contract that I saw. If it's different than that then it's certainly not something that I saw in committee. So, if we're paying \$104,000 and collecting \$270,000 and in one year paying no claims I would think that that's something that the City should look at and if we aren't being advised of that by the representative that represents us then we should be hiring somebody else that's going to give us the right advice.

Mayor Baines stated I appreciate that and I apologize for not allowing that during that discussion and that's why I've allowed you to present that now.

Alderman Gatsas stated thank you.

Mayor Baines stated just to remind the Board, the Board voted 12 to 2 to accept the recommendation of the Committee on Human Resources/Insurance in regards to that issue. I don't know, Mrs. Lamberton, do you want to add anything to that?

Ms. Lamberton replied I obviously disagree with Alderman Gatsas on most of the issues he brought up but we probably can talk about it in private.

Alderman Gatsas interjected no let's talk about it in public because this is taxpayer's dollars.

Mayor Baines reiterated again the Board voted 12 to 2 to accept and it's all been discussed in committee and at the Board level.

Alderman Shea stated it is really not taxpayer's money. What we're talking about, your Honor, is the City is insuring their employees for life insurance and dismemberment. People in various families decide that they want to insure either their children, their spouses and so forth. Now, in looking over this Alderman Gatsas and I have carried on a very lengthy discussion...he has worked in the insurance business, I have worked in the educational field, so in deference he has a little bit more insight. However, as he quotes \$0.18 cents per \$1,000...I look at the actuaries that were given to me 30 to 34 is \$0.10 cents per \$1,000 but when one goes up to 40 years old to 44 it's \$0.18 per \$1,000...45 to 49 is \$0.28 per thousand and 50 to 54 is \$0.49 per thousand. Now, he's indicating that it's \$0.18 cents for everyone and that isn't correct because if a person has a \$50,000 insurance they pay so much, if they \$200,000...my point, your Honor, is what he's talking about is the people who are paying premiums are people who are family members who are paying into this particular fund. We are not taxing any taxpayers. The taxpayers are not paying for this, it would be if in fact there was money left over the City would be an insurance company and I don't know if this City wants to become an insurance company, that's my understanding.

Mayor Baines stated let's close discussion on this issue, the Board has voted and it was a 12 to 2 vote. Is there any other new business?

Alderman Shea stated the person representing the City who is the lobbyist is going to be coming to Manchester next Monday (January 31st) at 9:00 AM and all the Aldermen, who are interested, and have the time and ability should make themselves available at that time and the meeting will be in the third floor conference room. So, anyone who wants to hear the discussion about what the bills are in the State and so forth are welcome to come.

Alderman Lopez stated if there's no objection I'd like to vote on the contract now.

Mayor Baines requested the Chief Negotiator make his recommendation to the Board, however, we still need to meet with legal counsel.

Mr. David Hodgen, Chief Negotiator, stated I believe the Board has received a package from me which contains a tentative agreement with the United Steelworker's of America who represent the bargaining unit employees at the Manchester Water Works. The package that you have received from me includes the details with regard to the agreement and the cost

calculations that were prepared by the Manchester Water Works. I would recommend that the Board should ratify the tentative agreement and waive Rule 26 to make it effective today.

Alderman Roy voted to suspend Rule 26 and ratify and confirm the Manchester Water Works Agreement in accordance with the Memorandum of Understanding and cost calculations presented January 21, 2005, effective January 25, 2005. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

Mayor Baines advised the Board would recess to meet with legal counsel.

Deputy City Clerk Johnson advised that the Board could adjourn the meeting and then meet with legal counsel since there would be no further actions required if the Mayor so desired.

There being no further business to come before the Board, on motion of Alderman Smith, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest.

City Clerk